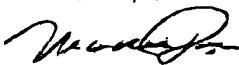


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : B. Rabello
Appl. No. : 09/757,855
Filed : 1/10/2001
Title : Magnetic Therapeutic
Wrap

I certify that the enclosed Petition to Revive Abandoned
Application and Correct Filing Date with Affidavits and
Exhibits are being faxed to the USPTO at (703) 308-6196;
on October 24, 2002.



Marcia Devon, Registration No. 31947

Petition to Revive Abandoned Application & Obtain Correct Filing Date

October 24, 2002

Customer No. 000033303
Phone: (562) 495-4000

Assistant Commissioner of Patents and Trademarks
Washington D.C. 20231

Sir:

FAX RECEIVED

JAN 22 2003

PETITIONS OFFICE

Applicant respectfully petitions the Commissioner to revive the above-referenced patent application pursuant to 37 C.F.R. 1.181, 1.182(a) or 1.182(b). The application was unavoidably abandoned when applicant's counsel did not respond to Notice to File Corrected Application Papers because it was sent to the wrong address. Applicant is submitting: (1) two affidavits of Marcia Devon supporting the petition stating that the abandonment was unavoidable and explaining the circumstances and (2) the \$55.00 fee for the petition and a Credit Card Authorization for any additional fees. The petition is further supported by exhibits including: (a) Notice of Change of Address; (b) the pages of the application with the Abstract and the Claims starting on the correct page © the post card indicating receipt on April 13, 2001 of the corrected application pages and (d) Letter dated April 13, 2001 from M. Devon requesting corrected filing receipt.

Applicant is also requesting that the filing date of the patent application be corrected to January 10, 2001 as applicant deposited the application in Express Mail on January 10, 2001. (A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : B. Rabello
Appl. No. : 09/757,855
Filed : 1/10/2001
Title : Magnetic Therapeutic
Wrap

I certify that the enclosed Petition to Revive
Abandoned Application is being faxed to the USPTO at
(703) 308-6916

on October 24, 2002

Marcia Devon, Registration No. 31947

FAX RECEIVED**JAN 22 2003****PETITIONS OFFICE**

**DECLARATION OF MARCIA DEVON IN SUPPORT OF PETITION TO
REVIVE UNAVOIDABLY ABANDONED APPLICATION**

I, Marcia A. Devon, declare as follows:

1. I am a patent attorney duly licensed to practice before the U.S. Patent & Trademark Office under Reg. 31, 947. I represent Billy Pak Rabello in connection with the above-referenced application.
2. I received a Notice to File Corrected Application Paper on February 28, 2001. I responded on April 11, 2001 to the Notice by filing another copy of the application with the Claims beginning on a separate page.
3. I also sent a copy of the Abstract on a separate page. However, I noted in my April 13, 2001 letter that the application as originally filed had the Abstract on a separate page.
4. On April 13, 2001, I mailed to the USPTO the following as noted in my postcard (copy attached) which was stamped received by the USPTO on April 16, 2001:
 - (i) Patent Application with Claims beginning on separate sheet and Abstract on separate page
 - (ii) Copy of Notice to File Corrected Application
 - (iii) Letter from M.Devon dated 4/13/01 Requesting Corrected Filing Receipt
5. On October 30, 2001, I sent a Notice of Change of Address for the present case notifying the USPTO of my recent change of address. (A copy is attached hereto) I also notified the Office of Enrollment and Discipline of the USPTO of my change of address.
6. Approximately 6 weeks ago, I was concerned because I had not received a first Office Action on the Rabello patent application referenced herein. I telephoned a customer service number,

spoke to a woman, and was advised that the application was pending awaiting a response. I inquired whether she meant a responsive action from the Examiner. The woman in customer service replied in the affirmative.

7. I received a Notice of Abandonment of the present application on September 5, 2002. The Notice had been forwarded from my prior address.


8. I immediately telephoned the USPTO and was faxed the Notice to File Corrected Application Papers mailed May 25, 2001. The Notice was identical to the one I had already responded to on April 13, 2001. I do not understand why I was sent two identical Notices to File Corrected Application, nor do I understand why I was sent a Notice indicating that the Abstract was not on a separate page when the originally-filed application had the Abstract on a separate page already. (A copy of the Abstract as filed and a copy of the first page of the claims is attached hereto.)

9. On or about September 9, 2002, I submitted additional copies of the Abstract on a separate page and the claims commencing on a separate page to Ms. Stokes at Patent Technology Center 1700 (Initial Patent Examination Division). On or about October 17, 2002, I re-faxed said documents to Ms. Stokes. Ms. Stokes advised that it was necessary for me to file the present Petition.

10. Applicant respectfully submits that the application should not have been abandoned and was not abandoned due to any fault of Applicant.

11. The undersigned understands that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, and all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Dated: October 24, 2002



Marcia A. Devon
Attorney for Applicant